



**NOTICE OF A PUBLIC HEARING BEFORE  
THE BRENHAM CITY COUNCIL  
THURSDAY, AUGUST 4, 2016 AT 1:00 P.M.  
SECOND FLOOR CITY HALL  
COUNCIL CHAMBERS  
200 W. VULCAN  
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Public Hearing Concerning Proposed Amendment of Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Krissie Zorn to Allow for Open (Outdoor) Display or Storage of Retail Merchandise as an Accessory Use on Property Located at 2600 N. Park Street in a B-1, Local Business/Residential Mixed Use Zoning District, and Being Described as Reserve A, Block 1 of the Scenic Estates Subdivision in Brenham, Washington County, Texas**

**Pages 1-10**

**Adjourn**

***CERTIFICATION***

I certify that a copy of the August 4, 2016 Notice of A Public Hearing before the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on August 1, 2016 at **11:20 AM**.

***Kacey A. Weiss***

Deputy City Secretary

**Disability Access Statement:** This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached Public Hearing notice of the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ AM PM.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title



## AGENDA ITEM 2

<b>DATE OF MEETING:</b> August 4, 2016	<b>DATE SUBMITTED:</b> July 28, 2016	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Erik Smith	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Public Hearing Concerning Proposed Amendment of Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Krissie Zorn to Allow for Open (Outdoor) Display or Storage of Retail Merchandise as an Accessory Use on Property Located at 2600 N. Park Street in a B-1, Local Business/Residential Mixed Use Zoning District, and Being Described as Reserve A, Block 1 of the Scenic Estates Subdivision in Brenham, Washington County, Texas		
<b>SUMMARY STATEMENT:</b>		
PLEASE REFER TO STAFF MEMO FOLLOWING THIS STAFF REPORT FOR ITEM INFORMATION.		
<b><u>Comprehensive Plan Compliance</u></b>		
The City of Brenham Envision 20/20 Comprehensive Plan lists this property as being a commercial/retail district. The zoning ordinance lists this as B-1 Local Business/Residential Mixed Use District. Open (outdoor) display or storage of retail merchandise as an accessory use to uses permitted in the B-1 District are within the allowed requests for special use permits in the B-1 Local Business/Residential Mixed Use District.		
<b><u>Thoroughfare Plan Compliance</u></b>		
This property fronts North Park Street which is classified as a minor arterial and will likely be the main ingress egress point. This property also has access from Scenic Drive which is classified as a local residential street.		
<b><u>Public Concerns</u></b>		
Staff did receive a letter stating their desire not to have this use at this location and there was also a significant number of residences that showed up to the Planning and Zoning Commission meeting who shared their concerns. I tried to summarize the majority of those concerns in the memo following this staff report.		
<b><u>Planning and Zoning Commission Recommendation</u></b>		
The Planning and Zoning Commission recommended unanimous approval of this request with the condition that the specific use permit expires after one calendar year from City Council approval. This would require a future request by the business owner similar to this one at that time.		

**STAFF ANALYSIS (For Ordinances or Regular Agenda Items):**

**A. PROS:** Economic development. Occupied building. Greater likelihood of property being better maintained.

**B. CONS:** Potential for debris to be blow from site. Neighbors shared various concerns about this properties historical lack of upkeep.

**ALTERNATIVES (In Suggested Order of Staff Preference):**

**ATTACHMENTS:** (1) Memo from Development Services Manager; (2) Letter from Blue Goose Garden and Gifts; (3) General Application; (4) Aerial of Property; and (5) Envision 20/20 Comprehensive Plan Exhibit

**FUNDING SOURCE (Where Applicable):** N/A

**RECOMMENDED ACTION:** None – Public Hearing Only

**APPROVALS:** Terry K. Roberts



To: Terry K. Roberts, City Manager  
Ryan Rapelye, Assistant City Manager – Government Services

From: Erik Smith, Development Services Manager *ES*

Subject: **2600 North Park St. Outdoor Sales SUP**

Date: July 27, 2016

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The Planning and Zoning Commission met on July 25<sup>th</sup>, 2016 and held a public hearing on a specific use permit “SUP” for 2600 North Park Street regarding open (outdoor) display or storage of retail merchandise as an accessory use to uses permitted in the B-1 District. The proposed business is going to be named Blue Goose Garden and Gifts. The applicants were the people that managed Plants and Things previously. The applicants are proposing to sell goods including vegetables, herbs, plants, shrubs and mulch outside of their business.

There were a number of residences that attended the meeting regarding the item. Those residents brought up several concerns with the property in general including increased traffic, the general upkeep of the property, the existing curb cut on Scenic Drive, the parking lot and on street parking on Scenic Drive.

**Regarding increased traffic:**

I don’t think one could argue that a business might increase traffic. This from my opinion is a valid concern I could understand if it were for not for the fact the building to my understanding has at some point had retail in it and is located within a business district located on a thoroughfare classification as a minor arterial.

**Regarding general upkeep of the property:**

The property owner and new tenants expressed to the public that it would be the tenant’s responsibility to maintain cutting the grass. This has been an ongoing concern with the residents and staff has taken code enforcement action against this property owner in the past regarding this issue. Staff also believes with a steady tenant trying to run a successful business as opposed to intermittent tenants the property will be much more likely to be maintained in a neat way. If not staff will continue to pursue code enforcement actions that are necessary.

The residents also brought up what they believed to be a substandard fence between the business and the residential neighborhood. Staff has gone out to the site to look at the fence. While we would acknowledge the fence is not in the best shape or new there are no fence boards missing that we could see from the road and the fence was not leaning in a way we felt any code enforcement regarding the issue could be done.

**Regarding the existing curb cut:**

Staff informed the attendees that the curb cut was existing and would not be required by the city to be removed because of this project.

**Regarding the parking lot:**

Staff also informed them that we were currently working on approval of parking lot improvements with the property owner who was being required to put in an all-weather surface parking lot. The current plan shows they will exceed the number of parking lot spaces required.

**Regarding on street parking:**

Staff can monitor this situation and if we receive complaints and document concerns on our part as well we will bring an ordinance back to Council for their consideration for no on street parking at this location.

The Planning and Zoning Commission made a recommendation to approve the request with the condition it only be granted for a period of one calendar year after which time another SUP must be applied for again and granted to continue the use. It is not uncommon for time periods to be placed on SUP's. However, these time periods generally are for uses that are truly temporary in nature or uses that do not require a significant investment by small business owners. A good example of this would be the bounce house SUP that was presented to City Council at our last meeting and is on this upcoming agenda for second reading. Temporary periods of time for these types of situations are more fitting because something of this nature can be easily removed after the period of time expires.

In the instance of a business that requires an SUP a typical recommendation that I would make to an elected or appointed board or commission would be for the SUP to be granted for the life of the business. That would allow the business owner to operate under the assumption that what they are doing is worth the investment in Brenham. The issue with the Planning and Zoning Commission's one year time period is this particular business owner will now have to choose whether or not they want to invest in Brenham with the knowledge they may be denied the enhanced use of their property after a one year period or go somewhere else altogether.

The other issue with this is the potential for the City to get a reputation for being so overly restrictive that it is not worth starting a business in this particular community. I think we need to seriously consider these items especially with the new initiative we as the City are undertaking with our goal of attracting retail economic development. I am not recommending that Council does not take the recommendation of the Planning and Zoning Commission into consideration; however, I am asking you to consider these items of concern I have after thinking through the possible issues with a one year probationary period for a new business startup in our community.

One other item that I would like to point out in advance of the public hearing is Mr. John Hueske, the owner of the property, heard the concern about additional traffic being pushed onto Scenic Dr. from the general public. Mr. Hueske's original plan submission did show this being a one way parking lot with all of the traffic be pushed to exit onto Scenic Dr. Mr. Hueske added the additional four feet to the drive isle to make this a two way parking lot which will have the likely effect of having the majority of the traffic exit straight back to North Park St. The driveway on Scenic will become more of a secondary access point. Mr. Hueske did this on his own accord to show his neighbors that he was truly willing to listen to their concerns and be a good neighbor.

I believe Mr. Hueske will request that because he is showing his good will towards his neighbors he would like for Council to consider dropping the portion of Planning and Zoning's request for a one year time period on the SUP. Staff would have no issues placing a condition on the SUP stating that at the expiration of this particular *use* the SUP expires at that time.

# Blue Goose Garden and Gifts

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2600 N. Park St. Brenham, TX 77833 | 979-451-7883 | bluegoose3311@gmail.com

**June 30, 2016**

Krissie Zorn

**Dear Development Services Department:**

Blue Goose Garden and Gifts is requesting the zoning for 2600 N. Park Street to be changed to Section 3.03 C (5).

We are seeking the opportunity to open a retail gift and garden store. We would like to sell outdoor plants, vegetables, and bagged mulch, if permitted. The outdoor area will be a bright, colorful, and happy view to motorist passing by. The plants will be well kept, clean, and presentable to look at.

We would also like to designate a specific space outside to hold vegetables and herbs. This area will be small and displayed on tables. The flowering plants and shrubs will be on newly built tables, and some bigger potted plants on the ground, to bring color and design ideas to our customers. The mulch will all be bagged pine bark, hardwood, black velvet, and cotton burr, brought in on pallets. It will not contain any manures. We would like to place all the mulch against the side of the building facing N. Park Street. We do not want to put any bagged items by the residential areas behind us.

Blue Goose Garden and Gifts family feels like this would be a great place for our community and surrounding neighborhoods to have the opportunity to shop at. Please consider allowing the zoning change for our new and upcoming business.

Sincerely,



**Blue Goose Garden and Gifts**  
**Krissie Zorn**

RECEIVED  
7-1-16



For office use only

APPLICATION NO. \_\_\_\_\_

MEETING DATE: \_\_\_\_\_

DATE SUBMITTED: 6-30-16

FILING FEE: \$100.00

**CITY OF BRENHAM**

**GENERAL APPLICATION**

**Type of Application**

- |   |  |
|---|--|
| <input type="checkbox"/> Variance from Appendix A: Zoning | <input type="checkbox"/> Zone Change                     |
| <input checked="" type="checkbox"/> Specific Use Permit   | <input type="checkbox"/> Plan Review                     |
| <input type="checkbox"/> Preliminary Plat                 | <input type="checkbox"/> Final Plat/Replat/Amending Plat |
| <input type="checkbox"/> Variance from Chapter 21: Signs  | <input type="checkbox"/> Other: _____                    |

**Property Owners Information**

Name John Hueske

Principal Officers (If Corporation) President \_\_\_\_\_

Secretary \_\_\_\_\_

Address 2600 N. Park St.

Telephone Number (936) 520-1809 E-mail Address \_\_\_\_\_

**Applicant Information**

Name Krissie Zorn Home address

Address 2600 N. Park St. (405 Tison St.)

Telephone Number (979) 451-7846 E-mail Address krissie.conner@gmail.com

**Agent or Engineer Information**

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ E-mail Address \_\_\_\_\_

**Location of Property**

Street Address: 2600 N. Park St.

Legal Description (attach metes and bounds description if not subdivided):

Subdivision: \_\_\_\_\_ Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_

**Zoning Information**

Existing Zoning : ~~RM~~ B-1

Proposed Zoning: Section 3.03(5)

Reasons for requesting zone change:\* \_\_\_\_\_

**Variance Information**

Section of Code from which variance is described:\* \_\_\_\_\_

Describe variance requested:\* \_\_\_\_\_

Reasons for requesting variance:\* \_\_\_\_\_

**Proposed Property Use**

Describe in detail the proposed operation at this location:\*

We would like to sale plants outdoors. The plants will bring color, happiness, and charm to the location. We would also like to have a space for vegetables and herbs. We would also like to carry bag mulch.

**Construction Value** \$ \_\_\_\_\_

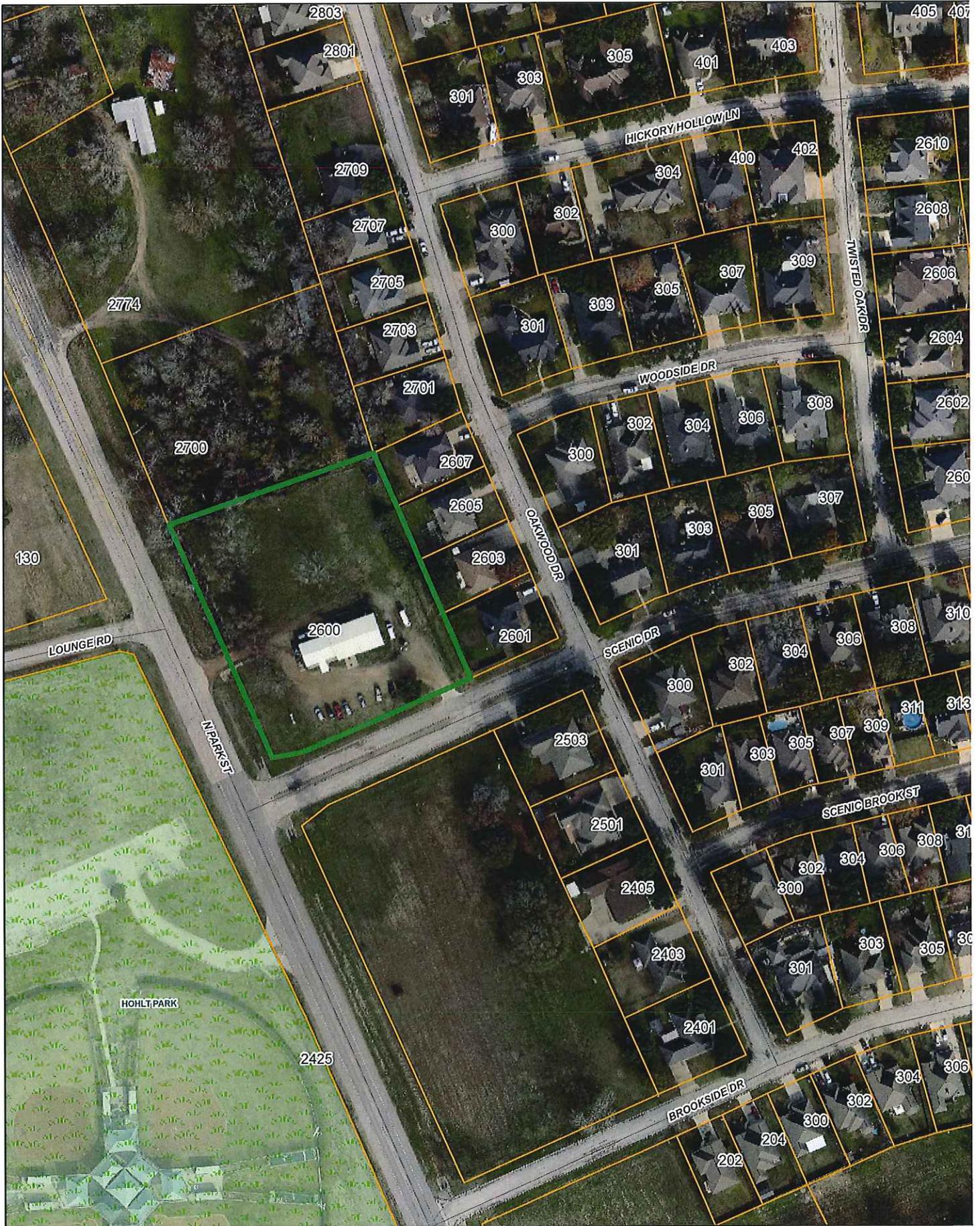
*Site plans are required for variance, special use, and plan review requests; please see Ordinance No. 0-05-007 for minimum site plan requirements.*

I, Krissie Zorn, being the owner (or authorized agent) of the above described property, do hereby certify the information set forth above is true and correct. I further request that the Planning & Zoning Commission/Board of Adjustments/Plan Review Committee review this matter and take appropriate action.

\_\_\_\_\_  
Owner

Krissie Zorn

\_\_\_\_\_  
Agent



1 inch = 158 feet



**2600 N. Park Street**



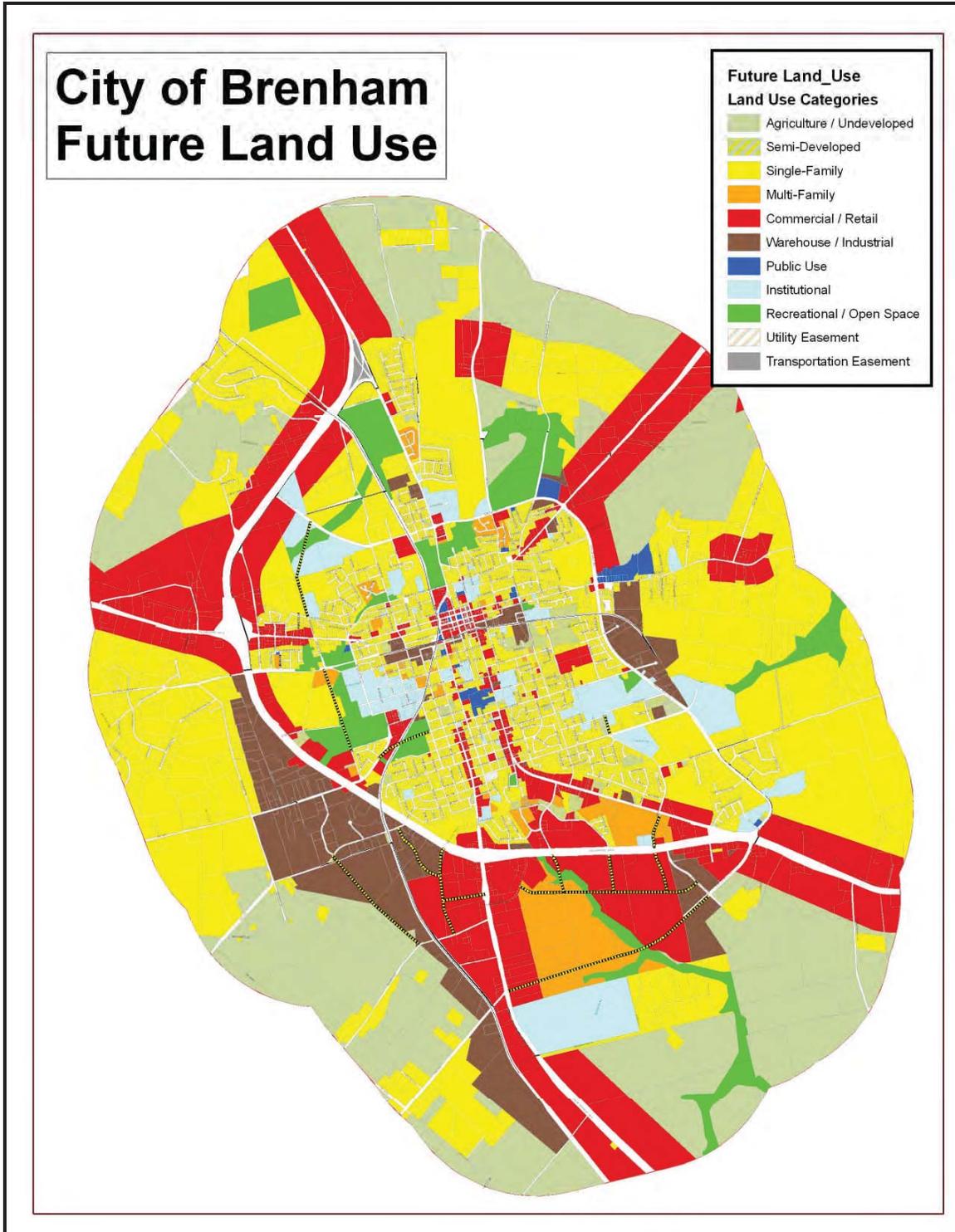


Illustration 6-5: The Future Land Use map for the City of Brenham illustrates desired growth patterns over the next 15 to twenty years.